

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 05-14445  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 19, 2007 THOMAS K. KAHN CLERK
---

D. C. Docket No. 99-02201-CV-AJ

PHILLIP A. BONADONNA,

Plaintiff-Appellant,

versus

JOSE SERRANO,  
JEANNE FELICIANO,  
LEOPOLDO PEREZ,  
JUAN MONSERRATE,  
JUAN CASTILLO, et al.,

Defendants-Appellees.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Florida  
\_\_\_\_\_

**(March 19, 2007)**

Before BARKETT, KRAVITCH and STAHL,\* Circuit Judges.

PER CURIAM:

\_\_\_\_\_  
\* Honorable Norman Stahl, Circuit Judge, United States Court of Appeals for the First Circuit, sitting by designation.

Phillip A. Bonadonna appeals the summary judgment in favor of Columbia-Deering Hospital (“Columbia-Deering”).<sup>1</sup> Bonadonna alleges that Columbia-Deering is liable to him, as a third party beneficiary to a contract entered into between the United States Bureau of Prisons and Columbia-Deering, because the treatment he received from Dr. Kim, a doctor allegedly affiliated with Columbia-Deering, fell below the appropriate standard of care.

Having previously dismissed allegations against Dr. Kim on the basis that he was not a party to the contract at issue, the district court also granted Columbia-Deering’s motion for summary judgment on the basis that the court lacked federal jurisdiction over the complaint, and, alternatively, because Columbia-Deering, having no relationship with Dr. Kim, could not be held liable for his conduct. Moreover, even if there was a relationship, Bonadonna provided no evidence that Dr. Kim’s services were substandard.

Having reviewed the record, we cannot conclude that the district court erred in finding that Columbia-Deering did not have a relationship with Dr. Kim that would subject Columbia-Deering to liability for Dr. Kim’s treatment of Bonadonna.

**AFFIRMED.**

---

<sup>1</sup> This appeal is the second time this matter has reached our Court. See Bonadonna v. Serrano, No. 02-16389 (11th Cir. August 19, 2003).